

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHRIS WASHINGTON-EL, )  
                          )  
Plaintiff,           ) Civil Action No. 08-1688  
                          )  
v.                     ) Judge Conti  
                          ) Magistrate Judge Bissoon  
JEFFREY BEARD,       )  
                          )  
Defendant.           )

**MEMORANDUM ORDER**

Plaintiff Chris Washington-El ("Washington-El" or "plaintiff") is proceeding in this prisoner civil rights case *pro se* and *in forma pauperis* (Doc. No. 2). An initial partial payment of the \$350.00 filing fee in the amount of \$46.00 was taken from his prisoner account on December 22, 2008 (Doc. No.7), and a second payment of \$46.00 was submitted on December 31, 2008 (Doc. No.8). Washington-El filed motions seeking a refund of the second payment asserting that it was made in error, and also seeking a reduction in the rate of payments (Doc. Nos. 9, 10). Both motions were denied by Magistrate Judge Bissoon, and Washington-El appeals (Doc. No.17).

The calculation used by the magistrate judge to determine the initial payment is entirely in line with the applicable statute. 28 U.S.C. § 1915(b) (1). The magistrate judge's conclusion that any "double payment" that may have occurred did not deprive plaintiff of all funds while in prison is confirmed by the inmate account statement attached to plaintiff's appeal

(Doc. No.17-2), that shows plaintiff still had \$95.21 in his account after the second withdrawal.

AND NOW, this 11<sup>th</sup> day of September, 2009, plaintiff having filed an appeal to the district court of the magistrate judge's Order dated February 11, 2009,

IT IS HEREBY ORDERED that the court finds that the magistrate judge's Order was not clearly erroneous or contrary to law and plaintiff's appeal is OVERRULED and DISMISSED.

s/Joy Flowers Conti  
Joy Flowers Conti  
U.S. District Court Judge

CC:  
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